

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CORNELIUS M. MOORE,)	
)	
Petitioner/Defendant,)	
)	
vs.)	CIVIL NO. 04-578-GPM
)	
UNITED STATES OF AMERICA,)	CRIMINAL NO. 03-CR-30050
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

This action is before the Court on Petitioner's motion to alter or amend judgment filed pursuant to Rule 59(e) of the Federal Rules of Civil Procedure (Doc. 4). Such a motion may only be granted if movant shows that there was mistake of law or fact or presents newly discovered evidence that could not have been discovered previously. *Matter of Prince*, 85 F.3d 314 (7th Cir. 1996); *Deutsch v. Burlington Northern R. Co.*, 983 F.2d 741 (7th Cir. 1993).

Upon review of the record, the Court remains persuaded that it was correct in finding that the 28 U.S.C. § 2255 motion was barred by the waiver provisions of the plea agreement. Therefore, the instant motion is **DENIED**.

IT IS SO ORDERED.

DATED: 05/31/05

s/ G. Patrick Murphy

G. PATRICK MURPHY
Chief United States District Judge